

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION
Honorable Edward J. Davila
Courtroom 4 - 5th Floor**

**TITLE: *UNITED STATES v. RAMESH SUNNY BALWANI*
CASE NUMBER: 5:18-CR-00258-2 EJD**

Minute Order and Trial Log

Date: April 26, 2022

Time in Court: (9:15-9:36 AM; 9:40 AM -12:04 PM; 12:24-3:08 PM)
(TOTAL Time: 5 hrs, 29 min.)

Courtroom Deputy Clerk: Cheré Robinson
Court Reporter: Irene Rodriguez

APPEARANCES:

Plaintiff Attorney(s) present: Jeffrey Schenk, John Bostic, Robert Leach
Also present: Special Agent - Chris McCollow
Paralegals – Maddi Wachs; Sara Slattery

Defendant Attorney(s) present: Jeffrey Coopersmith, Amy Walsh, Stephen Cazares,
Aaron Brecher, Shawn Estrada, Sachi Schuricht,
Molly McCafferty

Also present: Paralegal – Jennifer Cygnor
Also present: Ramesh Sunny Balwani (out-of-custody)

PROCEEDINGS: Motion Hearing and Jury Trial (Day 22)

Motion Hearing and Housekeeping Matters: 21 min. (9:15-9:36 AM)

Hearing on matters related to witness testimony and exhibit(s). Argument of Counsel heard.
Housekeeping matters addressed.

Jury Trial: 5 hrs, 8 min. (9:40-12:04 PM; 12:24-3:08 PM)

Jury Trial held April 26, 2022. Testimony held and evidence entered.
Further Jury Trial set for April 27, 2022, at 9:00 AM.

See attached Trial Log.

The following exhibits were identified and offered:

Plaintiffs: 5418, 13875, 13876, 5421, 5422, 4316, 1295, 1944, 5809, 5432, 2015, 2073, 4858,
1853, 2107, 2139, 2146, 2166, 5808
Defendants: 13888, 20565, 20306

The following exhibits are admitted into evidence:

Plaintiffs: 5418, 13875, 13876, 5421, 5422, 4316, 1295, 1944, 5809, 5432, 2015, 2073, 4858,
1853, 2107, 2139, 2146, 2166, 5808
Defendants: 13888, 20565, 20306

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

HONORABLE EDWARD J. DAVILA

**Case Name: *United States v. Ramesh Sunny Balwani*
Case No: 5:18-CR-00258-2 EJD**

TRIAL LOG

TRIAL DATE: April 26, 2022			REPORTER: Irene Rodriguez	CLERK: Cheré Robinson
PLF	DEFT	TIME	DESCRIPTION	
		9:15 am	Court in session with Counsel, outside of presence of Jury and witnesses	
			Court conducts hearing on matters related to witness testimony and exhibit(s), and to housekeeping matters	
		9:40 am	Jury present; Witness #7 Dr. Adam Rosendorff present	
		9:41 am	Court in session presence of Jury and witness	
			Court queries Jurors re previous admonishment	
		9:43 am	Court states that previously admitted Ex. 9939 now in evidence without limitation	
		9:44 am	Defense continues cross-examination of Dr. Adam Rosendorff	
	13888	9:51 am	ADMITTED into Evidence: June 2014 Rosendorff/Balwani Email String re Edison Backlogs	
		9:54 am	Ex. 20279, previously admitted	
		9:55 am	Defense completes cross-examination of Dr. Adam Rosendorff	
		9:56 am	Government begins re-direct of Dr. Coopersmith	
		10:07	Ex. 4147, previously admitted	
5418		10:08 am	ADMITTED into Evidence: May/June 2014 Email String re hCG Testing	
13875		10:10 am	ADMITTED into Evidence: June 2014 Email String re hCG update	
13876		10:13	ADMITTED into Evidence: June 2014 Email String re Status update on hCG	

TRIAL DATE: April 26, 2022			REPORTER: Irene Rodriguez	CLERK: Cheré Robinson
PLF	DEFT	TIME	DESCRIPTION	
5421		10:16 am	ADMITTED into Evidence: 2014-06-25 Gee Email to Balwani and Rosendorff re Instrument bring up	
5422		10:17 am	ADMITTED into Evidence: 2014-06-28 Gee Email to Balwani and Rosendorff re Instrument bring up	
		10:18 am	Ex. 13809, previously admitted	
4316	Obj	10:21 am	Offered into Evidence	
		10:22 am	Further foundation to be laid	
		10:23 am	ADMITTED into Evidence: Dec 2013 Young/Rosendorff Email String re Normandy lab	
1295		10:27 am	ADMITTED into Evidence: 2013-12-03 Balwani Email re Normandy lab	
		10:35 am	Ex. 7314, previously admitted	
		10:40 am	Ex. 9921, previously admitted	
		10:48 am	Government completes re-direct of Dr. Adam Rosendorff	
		10:49 am	Defense begins re-cross of Dr. Adam Rosendorff	
			Ex. 5418, previously admitted	
			Ex. 20564, previously admitted.	
	20565	10:56 am	ADMITTED into Evidence: June 2014 Email String re Patient #89751	
	20306	11:09 am	ADMITTED into Evidence: 2013-12-01 Rosendorff/Paz/Balwani Email String re CLIA inspectors	
		11:12 am	Defense completes re-cross of Dr. Adam Rosendorff	
			Government begins further re-direct of Dr. Adam Rosendorff	
		11:15 am	Government completes further re-direct of Dr. Adam Rosendorff	
			Defense begins further re-cross of Dr. Adam Rosendorff	
		11:17 am	Defense completes further re-cross of Dr. Adam Rosendorff	
			Witness excused.	

TRIAL DATE: April 26, 2022			REPORTER: Irene Rodriguez	CLERK: Cheré Robinson
PLF	DEFT	TIME	DESCRIPTION	
			Jury departs Courtroom; witness departs Courtroom	
		11:18 am	Court in session with counsel out of presence of jurors and witness(es) to address matters related to upcoming potential testimony	
		12:04 pm	Court breaks for 20 minutes	
		12:24 pm	Jury present	
		12:26 pm	Court in session in presence of Jury	
			Government calls Witness #8, Lisa Peterson	
		12:27 pm	Witness Lisa Peterson sworn and takes the stand	
1944		12:37 pm	ADMITTED into Evidence (email only): 2014-09-18 Tubergen Email to DeVos re Adobe Reader user sent you a file	
5809	Obj	12:39 pm	Offered into Evidence	
			Further foundation to be laid	
		12:40 pm	ADMITTED into Evidence: 2014-09-19 Tubergen Email to Holmes re Confidential Disclosure Agreement, and attachment – 2014-08-19 RDV Corp/Theranos Confidential Disclosure Agreement	
5432		12:44 pm	ADMITTED into Evidence: Sept 2014 Holmes/Tubergen Email String re Confidential Disclosure Agreement	
2015	Obj	12:48 pm	ADMITTED into Evidence: 2014-10-03 L. Peterson Notes from Theranos Conference Call	
2073	Obj	12:56 pm	Offered into Evidence	
			Objection overruled	
			ADMITTED into Evidence: 2014-10-12 Peterson Email to Tubergen re Theranos memo, and attachment – 2014-10-03 Peterson/Lunt Interoffice Memorandum re Theranos	
4858	Obj	1:18 pm	Offered into Evidence	
			Objection overruled	
			ADMITTED into Evidence: PowerPoint Presentation – Theranos Confidential Overview	

TRIAL DATE: April 26, 2022			REPORTER: Irene Rodriguez	CLERK: Cheré Robinson
PLF	DEFT	TIME	DESCRIPTION	
1853		1:43 pm	ADMITTED into Evidence: Theranos Financial Document – Projected Statement of Income	
2107		1:52 pm	ADMITTED into Evidence: Oct 2014 Tubergen/Holmes/Balwani/DeVos Email String re Thank you, and attachments – Investor Master Signature Page Series C-2.pdf; New Investor.zip; Theranos bank wire instruction.pdf	
2139		1:58 pm	ADMITTED into Evidence: 2014-10-28 Peterson/Balwani Email String re RDV investment	
2146		2:04 pm	ADMITTED into Evidence: Oct 2014 Balwani/Peterson/Tubergen Email String re Theranos – status on number of things...	
2166		2:09 pm	ADMITTED into Evidence: RDV Approval Document – New Equity Investment re Theranos, Inc.	
5808		2:15 pm	ADMITTED into Evidence: Copy of wire transfer from RDV Investment to Theranos, Inc.	
			Ex. 1944 – previously admitted, now offered in its entirety	
1944	Obj	2:20 pm	ADMITTED into Evidence – in Entirety (Note: Attached Article not offered for the truth): 2014-09-18 Tubergen Email to DeVos re Adobe reader user sent you a file, and attachment – Roger Parloff, <i>New Blood – Elizabeth Holmes Founded Her Revolutionary Blood Diagnostics Company, Theranos, When She was 19. It's Now Worth More than \$9 Billion, and Poised to Change Health Care</i> , FORTUNE.COM, June 12, 2014	
		2:22 pm	Government completes direct examination of Lisa Peterson	
		2:23 pm	Defense begins cross examination of Lisa Peterson	
		2:37 pm	Ex. 1944, previously submitted	
		3:02 pm	Court admonishes Jurors	
			Jury departs Courtroom	
			Lisa Peterson released until 9am, April 27, 2022	
		3:04 pm	Court in session with counsel outside of presence of Jury and witness(es)	
		3:08 pm	Court adjourns	
			Jury Trial continued to April 27, 2022, at 9:00 AM	